

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-274-E - ORDER NO. 2008-698
OCTOBER 9, 2008

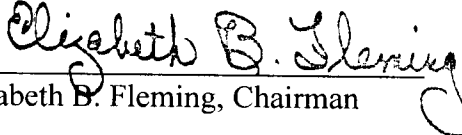
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|-------------------------------------|---|------------------|
| IN RE: Danny Cone and Minnie DuVall |) | ORDER DISMISSING |
| (Complainants) |) | COMPLAINT AND |
| |) | CLOSING DOCKET |
| v. |) | |
| |) | |
| Duke Energy Carolinas, LLC |) | |
| (Respondent) |) | |

This matter comes before the Public Service Commission of South Carolina (“Commission”) on a Complaint filed by Danny Cone and Minnie DuVall (“Complainants”) requesting that Duke Energy Carolinas, LLC (“Duke”) remove two tree limbs that allegedly threatened a secondary voltage line serving several homes. In its Answer and Motion to Dismiss filed on August 20, 2008, Duke responded that its vegetation management policy requires it only to trim rights of way with primary voltage lines, but in this case it agreed to trim the tree limbs. However, Duke asserts that when a crew arrived to perform the work, Complainants refused to allow cutting of the tree limb. The stated basis for Duke’s Motion to Dismiss is that the Complaint alleges no violation of applicable statutes or regulations, and claims that the Complaint fails to assert any claim within the jurisdiction of the Commission. To date, the Complainants have not responded to Duke’s August 20 motion for dismissal, well beyond the ten (10) day deadline required by S.C. Code Ann. Regs. 103-829 (September 28, 2007), and we

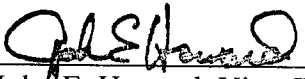
therefore find that Duke's motion for dismissal is unopposed. Consequently, we grant Duke's Motion to Dismiss the Complaint and order that the Docket be closed.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)